

CITY OF BRAWLEY
September 18, 2012

The City Council of the City of Brawley, California met in regular session at 6:00 PM, Council Chambers, 383 Main Street, Brawley, California, the date, time and place duly established for the holding of said meeting. The City Clerk attests to the posting of the agenda pursuant to G.C. §54954.2.

The meeting was called to order by Mayor Nava @ 6:00 PM

PRESENT: Campbell, Couchman, Miranda, Nava

ABSENT: Kelley

The invocation was offered by Pastor Bob Feist, First Christian Church.

The pledge of allegiance was led by Sergeant Jesse Rotner, Brawley Police Department.

APPROVAL OF AGENDA

The agenda was ***approved as amended.*** m/s/c Campbell/Couchman 4-0 Kelley absent

- Item 3h. Accept Grant from the Border Environment Cooperation Commission (BECC) & North American Development Bank (NADB) Under the Community Assistance Program (CAP) Program in the Amount of \$450,000 for the Rehabilitation of Sewer Lift Station No. 2 & Emergency Back-up Generator for Sewer Lift Station No. 1 & Commit a 10% Local Match **was removed from the consent agenda for regular discussion/action.**
- Item 3 i. Authorize Payment to the California Department of Transportation for Betterments to City Water & Sewer Improvements in the Vicinity of State Highway 111 Brawley By-Pass Phase II in the Amount of \$316,291 **was removed from the consent agenda for regular discussion/action**
- Item 3f Award Bid to _____ for Project No. 2012-16A, Re-advertisement of Emergency Operations Center & Police Department Painting & Flooring Remodel in the Amount of _____ & Authorize City Manager to Execute All Documentation in Relation to This Project, **was removed from the consent agenda and moved to the October 2, 2012 meeting for consideration.**

The Council determined that there was need to take immediate action for the following items, as they were time sensitive and the need arose after the agenda was posted:

1. Resolution No. 2012-38: Resolution of the City Council of the City Of Brawley, California, Authorizing the Acceptance of An Allocation of Funds & Execution of Grant Agreement by the City Manager with the Federal Aviation Administration for the Rehabilitation of the Southeast Apron and Associated Improvements at The Brawley Municipal Airport.
2. Resolution No. 2012-39: Resolution of the City Council of the City Of Brawley, California, Authorizing the City Manager or His/Her Designee to Execute Agreements, Amendments, and other Documentation with the Federal Aviation Administration (FAA).

1. **PUBLIC APPEARANCES** – There were no public appearances

2. **SPECIAL PRESENTATION**

- a. Special Pinning Ceremony for Agent Jesse Rotner. Police Chief Mark Gillmore promoted and pinned Agent Rotner to Sergeant and congratulated him for his dedication and loyalty to the Brawley Police Department.

Chief Gillmore introduced Janell Rotner and their two children, and Sergeant Rotner's parents. He presented Mrs. Rotner with a bouquet of flowers.

Sergeant Rotner thanked his family and others who have stood beside him and fully supported him.

- b. Yolanda Stokes, Small Business Administration, Office of Disaster Assistance, thanked the city for allowing the SBA to set up a center for residents to come in and seek assistance for earthquake damages. The SBA will be in Brawley September 17 – 27, 2012. She stated that it was preferable for residents to come into this office to seek assistance, while SBA is in the city. The deadline for applications is November 13, 2012, and June 14, 2013 for economic injuries. The Small Business Administration can also be contacted at SBA.gov or 1-800-659-2955.

3. **CONSENT AGENDA**

The consent agenda was approved as follows: m/s/c Campbell/Couchman 4-0
Kelley absent

- a. **Approved** City Council Minutes for August 28, 2012 Special Meeting and September 4, 2012.
- b. **Approved** Accounts Payable for August 30, 2012 and September 6, 2012.
- c. **Rejected** Claim: Mike Dematidis v. City of Brawley as Recommended by Carl Warren & Company.
- d. **Resolution No. 2012-37:** Resolution of the City Council of the City of Brawley Supporting Project Delivery Schedules & Timely Use of Transportation Enhancement (TE) Funds was **approved, passed and adopted.**
- e. **Authorized** Agreement with Airport Engineering Consulting, Inc. for the Preparation of Plans, Specifications, Cost Estimates, Construction Management & Inspection Services in the Amount of \$467,180 for the Brawley Municipal Airport Hangar Area Asphalt Rehabilitation & Drainage Improvements & Authorize City Manager to Execute All Documentation in Relation to This Project.
- f. **Consented** to a Common Use Agreement Between the City of Brawley & the California Department of Transportation Regarding the Schellenberger Lateral Drain & State Highway 111.

4. **REGULAR BUSINESS**

- a. The Council **accepted** the Grant from the Border Environment Cooperation Commission (BECC) & North American Development Bank (NADB) Under the Community Assistance Program (CAP) Program in the Amount of \$500,000 for the Rehabilitation of Sewer Lift Station No. 2 & Emergency Back-up Generator for Sewer Lift Station No. 1 & **committed** to a 10% Local Match m/s/c Couchman/Campbell 4-0
Kelley absent
- b. The Council **authorized payment** to the California Department of Transportation for Betterments to City Water & Sewer Improvements in the Vicinity of State Highway 111 Brawley By-Pass Phase II in the Amount of \$316,291. m/s/c Couchman/Campbell 4-0 Kelley absent.

- c. Amendment No. 2 to Contract with Lee & Ro, Inc. for Additional Extended Services Associated with the Wastewater Treatment Plant Improvements in the amount of \$154,057 was submitted for approval.

Mayor Nava inquired about the change order work being performed in advance of authorization.

The City Manager explained that the additional work was known to management but preparation of the Lee & Ro amendment delayed. The timing is not ideal, but the quality of work performed is certain. The additional work was not contemplated in the original work.

The Council **approved** Amendment No. 2 to the contract with Lee & Ro Inc. for additional extended services associated with the Wastewater Treatment Plant Improvements in the amount of \$154,057.00. m/s/c Miranda/Campbell 4-0 Kelley absent

Dave Bachtel, Project Manager for Lee & Ro Inc., explained that their company is cognizant of the financial stress that cities and government entities are experiencing. The City of Brawley is a valuable client and they have tried to present cost savings and efficient services. This waste water treatment plant is important to the city and to the valley.

Council Member Campbell stated that Lee & Ro Inc. has done a good job protecting the city.

Council Member Couchman stated that those who create issues and impacts above the norm should be responsible for the charges and keep the charges under control.

As costs are incurred, staff was directed to work within overall budget.

- d. Master Plan of Water Presentation – Curt Edwards, P.E., Psomas
- e. **RESOLUTION NO. 2012-38:** Resolution of the City Council of the City of Brawley Authorizing Acceptance of an Allocation of Funds in the Amount of \$3,666,095 & Execution of Grant Agreement by the City Manager with Federal Aviation Administration for Rehabilitation of the Southeast Apron & Associated Improvements at the Brawley Municipal Airport, was **approved, passed and adopted.** m/s/c Nava/Campbell 4-0 Kelley absent

- f. **RESOLUTION NO. 2012-39:** Resolution of The City Council of the City Of Brawley, California, Authorizing the City Manager or His/Her Designee To Execute Agreements, Amendments, and Other Documentation With The Federal Aviation Administration (FAA), was **approved, passed and adopted.** m/s/c Nava/Campbell 4-0 Kelley absent.

6. **INFORMATIONAL ITEMS**

- a. Building Permits, August 2012 – Francisco Soto, Building Official

7. **COUNCIL MEMBER REPORTS**

- a. Miranda – Thank you Police Chief and Fire Chief for your efforts during the recent fires.
- b. Campbell – Thank you Rosanna Moore, Manuel Perez, Assemblyman, for keeping residents informed in how to help the city with damages; Request City present Congressman Filner with a plaque, September 28, 2012 to thank him for all of his assistance to the City of Brawley; thank you all city staff.
- c. Couchman – Attended Hidalgo Society drawing to raise funds for building fund. Attended the League of California Cities Annual Conference in San Diego, September 5-7, 2012. Western Cities may publish article on Brawley earthquakes. We have had a lot of disasters lately, but no other city could handle it any better than our staff. Thank you staff and City Manager.
- d. Nava – Thank you staff during recent disasters. Wished Mary Miller success in her future efforts after the destruction of the Superior Furniture building. Ms. Miller has contributed much to the City through service. Support of each other in times of crisis is important.

8. **TREASURER'S REPORT**

- a. Jim Hamilton, City Treasurer, reported that the Finance Department is looking at alternative investments for city deposits.
- b. Ruby Walla, Finance Director, reported that we are looking at different investment options are being researched. (i.e. CalTrust, CD's). Staff will keep the Council informed.

9. **CITY MANAGER'S REPORT**

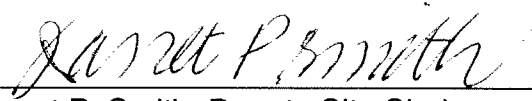
- a. The City Manager reported that the jurisdictions concerned with relinquishment of Highway 86 (Brawley, Imperial, El Centro and Imperial County) have met and discussed options for the future and/or relinquishment of Highway 86 within their jurisdictions. We have two (2) weeks to provide redlines to draft legislation.
- b. In 2008 the Council adopted policies for approving out of state travel, and travel beyond 500 miles to be approved prior to travel. A request was received after the agenda posting date for Susan Manger, Asst. Library Director, to travel to the Assn. for Rural & Small Libraries 2012 Annual Conference in Raleigh, N.C. 09-26-2012 / 09-30-2012. Most of expenses are covered by State Library. Cost to city is approximately \$250.00. Will be presented at next meeting for approval.
- c. Two items are on the horizon: (1) Reimbursement agreement for Florentine Estates for roadway at Florentine Development; and (2) Consideration of in-lieu improvements; Five Crowns Cooling Inc.

10. **CITY ATTORNEY REPORT** None

11. **CLOSED SESSION** Adjourned to closed session at 7:20 PM

- a. Conference with Legal Counsel – Anticipated Litigation, Significant Exposure to Litigation Pursuant to Subdivision 9(b) of Section 54956.9: (1 potential case)
- b. Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9(a)): Jupiter Ventures vs. City of Brawley
- c. Conference with Labor Negotiator
Agency Designated Representative: Rosanna Bayon Moore
Employee Organization: Brawley Police Sergeants Association
- d. Public Employee Performance Evaluation:
Title: City Manager (G.C. 54957)

ADJOURNMENT


Janet P. Smith, Deputy City Clerk